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**Lowest Common Denominator Norm Institutionalization:  
The Anti-Coup Norm at the United Nations**

**Oisín Tansey**

After the end of the Cold War, states and international organizations embraced a range of new tools in order to promote democratic norms and practices, including new aid and assistance programmes as well as a set of more punitive measures to sanction non-democratic behaviour. As part of this push, international actors increasingly sought to delegitimise and punish leaders who seized power through coups d'état, and over time many states have adopted powerful legal instruments to institutionalise this 'anti-coup norm'. Regional organisations in Africa and the Americas have led the way in consolidating a new sanctions regime related to coup behaviour, and have demonstrated a willingness to take robust enforcement measures against states where the norm has been violated.<sup>1</sup> However, although there is increasing evidence that these measures have had some important effects in deterring coup attempts and reducing the number of successful coups,<sup>2</sup> the norm has struggled to gain global acceptance. While there have been isolated moments when the international community has spoken with one voice to champion the norm (especially through resolutions of the United Nations Security Council and General

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<sup>1</sup> Thomas Legler and Thomas Kwasi Tieku, "What Difference Can a Path Make? Regional Democracy Promotion Regimes in the Americas and Africa," *Democratization* 17, no. 3 (2010): 465–491; Jorge Heine and Brigitte Weiffen, *21st Century Democracy Promotion in the Americas: Standing Up for the Polity* (Routledge, 2014); Issaka K. Souaré, "The AU and the Challenge of Unconstitutional Changes of Government in Africa," *Institute for Security Studies Papers*, no. 197 (2009): 1–13; Julia Leininger, "Against All Odds: Strong Democratic Norms in the African Union," in *Governance Transfer by Regional Organizations* (Springer, 2015), 51–67, [http://link.springer.com/chapter/10.1057/9781137385642\\_3](http://link.springer.com/chapter/10.1057/9781137385642_3).

<sup>2</sup> Jonathan Powell, Trace Lasley, and Rebecca Schiel, "Combating Coups D'état in Africa, 1950–2014," *Studies in Comparative International Development*, January 7, 2016, 1–21, doi:10.1007/s12116-015-9210-6.

Assembly), the norm has yet to be universally adopted or reliably enforced. Several regional organizations have essentially ignored it and the United Nations has remained consistently inconsistent in its treatment of coup-created governments. The anti-coup norm is not yet a truly global norm.<sup>3</sup>

This article examines the uneven evolution of the anti-coup norm by tracing its fate within the United Nations system. In doing so, it illustrates not only the important role played by UN member states and internal agencies, but also a set of political processes that have wider implications for how we understand international efforts to enforce international norms. Contemporary international norms are rarely enforced universally, especially when they relate to the behaviour of nation state governments within their own jurisdictions. Frequently, the international actors that publicly embrace particular norms fail to respond robustly to violations of the norm, or respond in highly inconsistent ways.<sup>4</sup> In turn, such behaviour frustrates those who are truly committed to the norm, and often prompts them to seek deeper international commitment to the norm through new forms of norm institutionalization. This gives rise to a cycle in which norm entrepreneurs fight to have a norm embraced, only to watch as it goes unenforced, and then fight again for deeper norm consolidation.

The story of the anti-coup norm at the UN illustrates the way in which international organizations can be the key site of negotiations over norm enforcement and development, and also suggests an important role for individual international bureaucrats acting within larger intergovernmental organisations. When member states are united, they can work together to forge new binding conditions that apply to all states. When such consensus is lacking, however, norm promoters working within international organisations must often pursue forms of norm institutionalisation that do not require intergovernmental agreement. As a result, they must

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<sup>3</sup> Author publication.

<sup>4</sup> Martin Binder, "Humanitarian Crises and the International Politics of Selectivity," *Human Rights Review* 10, no. 3 (February 7, 2009): 327–48, doi:10.1007/s12142-009-0121-7.

pursue what I call ‘lowest common denominator’ norm institutionalization, which involves seeking to achieve the highest level of institutionalization that is achievable, even if it means aiming for a lower level of progress than norm promoters would ideally like. These lower-order strategies may involve the reform (or creation) of rules and standard operating procedures that apply to the agencies and staff within the bureaucratic arms of an international organization, while leaving member states with the autonomy to pursue divergent policies in the intergovernmental spheres.

The fate of the anti-coup norm at the United Nations shows how officials within the UN system sought to compensate for the lack of consensus among member states by pursuing this kind of low-level institutionalisation, relying primarily on amendments to UN rules and procedures. The UN’s main intergovernmental bodies – the General Assembly and Security Council – have embraced the anti-coup on occasions, but have been highly inconsistent in their enforcement of it over time. In response to this inconsistency, UN Secretariat staff sought to bring about a ‘norm-based and principled position’ on coups that would reduce ad hoc and inconsistent UN responses. In the absence of member state consensus on the anti-coup norm, there was very little prospect that UN officials could achieve high levels of norm legalization and bring about a significant reduction in inconsistent enforcement; member states remained insistent on retaining the right to respond to violations of the norm on a case-by-case basis, and would not have supported new binding legal instruments applicable to all cases. Yet norm promoters within the UN Secretariat were able to make progress by pursuing change at a lower level of institutionalization, introducing new rules and procedures that would apply to UN staff and that would bring about more consistency across the bureaucratic agencies of the UN system.

The article proceeds in three parts. The first section examines the nature of selective norm enforcement, and illustrates the strategies of norm institutionalisation that can foster greater

consistency of enforcement. The second section examines the history of the anti-coup norm at the UN since the end of the Cold War, and illustrates the highly selective treatment of the norm within the UN system. The final section examines strategies of norm institutionalization pursued by Secretariat staff at the United Nations, and highlights the important role of norm entrepreneurs within the UN bureaucracy.

### **Norm Enforcement and Institutionalization**

Norms are collective expectations about standards of behaviour that are defined in terms of rights and obligations.<sup>5</sup> According to Finnemore and Sikkink's influential 'life-cycle' of norm evolution, norms go through a number of stages before they are fully embraced and consistently guide behaviour. The first stage of the cycle is norm emergence, in which norm entrepreneurs (often working from positions within formal international organizations) promote new normative standards and persuade others to adopt them. The second stage involves norm cascade, where a tipping point is reached and countries rapidly begin to adopt the new norm even in the absence of direct pressure. The third stage is internalization, where actors conform with the norm without thinking.<sup>6</sup>

The extent to which norms actually constrain behavior thus varies in part according to the stage of normative development, and new norms are less likely to be consistently adhered to than those in the later stages of the norm life cycle. Prior to the full internalization of norms, responses to the violation of international norms are often characterized by inconsistency and selectivity. As defined in much of the literature on norm enforcement, consistency requires that

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<sup>5</sup> Friedrich V. Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, vol. 2 (Cambridge University Press, 1991), 59; Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (OUP Oxford, 2007), 14.

<sup>6</sup> Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 887–917.

similar cases are treated in the same way, and that norm violations of a similar kind are subject to similar responses.<sup>7</sup> Yet many well-developed international norms are enforced in partial and inconsistent ways. After the end of the Cold War, international organizations increasingly embraced and institutionalized a range of norms designed to promote and protect democracy around the world, including norms related to seizures of power through coups.<sup>8</sup> Yet when it comes to democracy-related norms, states and international organizations have tended to treat similar cases in different ways depending on the circumstances. Coups are condemned and punished in some settings, but downplayed or even praised in others.<sup>9</sup> International actors punish perpetrators of election fraud in some cases but not others; Donno finds that ‘enforcement occurs less than half of the time in response to violations of electoral norms’.<sup>10</sup> Violent repression of opposition forces is sometimes met with international sanctions (as in the case of Zimbabwe) whereas similar violations elsewhere receive comparatively less international attention (as in the case of Azerbaijan).<sup>11</sup> Similar forms of selectivity and inconsistency are widespread in the enforcement of wider human rights norms, and particularly the kind of humanitarian crises that are covered under the ‘responsibility to protect’ norm.<sup>12</sup>

One of the ways in which these forms of inconsistency can be overcome is through the process of norm institutionalization, which entails greater regulation of the behaviour of key

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<sup>7</sup> Binder, “Humanitarian Crises and the International Politics of Selectivity,” 329; Daniela Donno, *Defending Democratic Norms: International Actors and the Politics of Electoral Misconduct* (Oxford: Oxford University Press, 2013), 77.

<sup>8</sup> Darren Hawkins, “Protecting Democracy in Europe and the Americas,” *International Organization* 62 (2008): 373–403; Jon C. Pevehouse, *Democracy from Above: Regional Organizations and Democratization* (Cambridge: Cambridge University Press, 2005); Donno, *Defending Democratic Norms*.

<sup>9</sup> Author publication.

<sup>10</sup> Donno, *Defending Democratic Norms*, 77; See also Judith Kelley, “D-Minus Elections: The Politics and Norms of International Election Observation,” *International Organization* 63, no. 4 (October 2009): 765–787, doi:10.1017/S0020818309990117.

<sup>11</sup> Emilie M Hafner-Burton, Susan D Hyde, and Ryan S Jablonski, “When Do Governments Resort to Election Violence?,” *British Journal of Political Science* 44, no. 1 (2013): 1–31.

<sup>12</sup> Binder, “Humanitarian Crises and the International Politics of Selectivity”; James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), 169.

actors.<sup>13</sup> As Finnemore and Sikkink note, ‘institutionalization contributes strongly to the possibility for a norm cascade both by clarifying what, exactly, the norm is and what constitutes violation (often a matter of some disagreement among actors) and by spelling out specific procedures by which norm leaders coordinate disapproval and sanctions for norm breaking’.<sup>14</sup> Institutionalization contributes to clarity regarding triggers for and types of enforcement measures and thus, in theory at least, facilitates more consistent responses to norm violating behavior. As a result, when norm promoters feel that a norm is being inconsistently enforced, a key strategy is often to secure agreement to further institutionalize the norm and thus reduce the potential for non-enforcement by setting down clear rules for post-violation punishments.

However, not all international actors are in a position to pursue similar strategies of norm promotion. Norms can be institutionalized in international politics via a range of instruments, ranging from informal agreements and commitments to more formal rules and procedures and, ultimately, binding legal provisions. If norms are institutionalized with high levels of legalization, we should expect to see lower levels of inconsistency in several respects as hard rules limit states’ room for maneuver.<sup>15</sup> By contrast, if norms are not fully legalized, and do not hold the status of ‘hard law’, we should expect to see greater scope for, and resort to, selective and inconsistent norm enforcement. Robust legalization requires high levels of international consensus and political will among large numbers of states, and is thus difficult to attain when the norms in question are politically sensitive or controversial. When it comes to issues like political freedom and democracy, where global normative consensus is low and

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<sup>13</sup> Judith Goldstein et al., “Introduction: Legalization and World Politics,” *International Organization* 54, no. 3 (June 2000): 387, doi:10.1162/002081800551262.

<sup>14</sup> Finnemore and Sikkink, “International Norm Dynamics and Political Change,” 900.

<sup>15</sup> Kenneth W. Abbott et al., “The Concept of Legalization,” *International Organization* 54, no. 3 (June 2000): 401–419, doi:10.1162/002081800551271.

norm contestation is a frequent characteristic of international debates, various forms of inconsistency are to be expected.<sup>16</sup>

Yet even where legalization levels are relatively low and international consensus is a distant prospect, there are a variety of institutionalization strategies that norm promoters may still pursue to reduce inconsistency in norm enforcement. Within international organizations such as the UN, individual members of the organizational bureaucracy can help to compensate for lack of member state agreement by pursuing rule changes that affect IO staff rather than IO member states. Such actions highlight the capacity of international organizations to operate independently of IO member states. A key strand of scholarship on international organizations has noted that the presence of a supranational bureaucracy is a key source of IO independence, as agencies and actors can wield authority and influence that is independent of the mandates handed to them by member states.<sup>17</sup>

Examining the role of IO bureaucrats makes it possible to identify the ways in which norms are sometimes institutionalized within IOs behind closed doors. Those who work within IO secretariats are often political actors who are committed to promoting and advancing key norms. Bureaucrats can thus act as norm entrepreneurs or norm promoters in their own right, and can seek to minimize the inconsistency with which their own organization responds to norm violations. While IO bureaucrats are unable to achieve forms of legalized and binding institutionalization that require member state consensus and agreement, they can nonetheless introduce rules and procedures within their organization in ways that can help overcome types of inconsistency that do not rely on explicit member state collaboration – especially intra-actor

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<sup>16</sup> Thomas Carothers, “The Backlash against Democracy Promotion,” *Foreign Affairs* 85, no. 2 (2006): 55–68; Alexander Cooley, “Countering Democratic Norms,” *Journal of Democracy* 26, no. 3 (2015): 49–63.

<sup>17</sup> Kenneth W. Abbott and Duncan Snidal, “Why States Act through Formal International Organizations,” *Journal of Conflict Resolution* 42, no. 1 (February 1, 1998): 3–32, doi:10.1177/0022002798042001001; Yoram Z. Haftel and Alexander Thompson, “The Independence of International Organizations: Concept and Applications,” *Journal of Conflict Resolution* 50, no. 2 (April 1, 2006): 253–75, doi:10.1177/0022002705285288; Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell University Press, 2004).



and cross-actor inconsistency. These rules and procedures can be developed independently of member states within the relevant secretariat, and can involve efforts to coordinate agencies within the wider organization, and coordinate activities with external organizations. As Barnett and Finnemore note, ‘bureaucracies are organized around rules, routines, and standard operating procedures designed to trigger a standard and predictable response to environmental stimuli’.<sup>18</sup> International bureaucrats within the UN Secretariat have been involved in the institutionalization of rules and norms in a wide array of issue areas, including conflict prevention,<sup>19</sup> democracy promotion,<sup>20</sup> gender equality,<sup>21</sup> and the governance of science policy.<sup>22</sup> As discussed in detail below, in the case of the anti-coup norm bureaucrats within the UN Secretariat sought to achieve more consistent and predictable responses to norm violations, even in the absence of member state support, by altering existing rules and creating new procedures.

To some extent, these efforts amount to ‘lowest common denominator’ institutionalization, in that the actors involved would like to secure higher levels of institutionalization, but are not in a position to do so unless there is consensus and political appetite among member states. Instead, they utilize the autonomy they have, which often relates to the ability to create new rules and procedures that guide IO agencies and staff but that do not in any way guide or constrain member states. In doing so, they can strive to overcome some forms of enforcement

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<sup>18</sup> Michael Barnett and Martha Finnemore, “The Politics, Power, and Pathologies of International Organizations,” *International Organization* 53, no. 4 (September 1999): 718, doi:10.1162/002081899551048.

<sup>19</sup> Annika Björkdahl, “Promoting Norms through Peacekeeping: UNPREDEP and Conflict Prevention,” *International Peacekeeping* 13, no. 2 (June 1, 2006): 214–28, doi:10.1080/13533310500437613.

<sup>20</sup> Simon Rushton, “The UN Secretary-General and Norm Entrepreneurship: Boutros Boutros-Ghali and Democracy Promotion,” *Global Governance: A Review of Multilateralism and International Organizations* 14, no. 1 (February 15, 2008): 95–110; Kirsten Haack, *The United Nations Democracy Agenda: A Conceptual History* (Oxford University Press, 2011).

<sup>21</sup> Mona Lena Krook and Jacqui True, “Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality,” *European Journal of International Relations* 18, no. 1 (March 1, 2012): 103–27.

<sup>22</sup> Martha Finnemore, “International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy,” *International Organization* 47, no. 4 (October 1993): 565–97, doi:10.1017/S0020818300028101.

inconsistency, while reconciled to their inability to eliminate all forms. These dynamics reflect the challenges and trade-offs in norm promotion. Often, there is a trade-off between norm adaptation and norm enforcement; it is easier to secure agreement on rules and procedures that are less constraining regarding enforcement requirements. For example, the extensive efforts to institutionalize the ‘responsibility to protect’ norm often achieved progress at the cost of diluting enforcement provisions.<sup>23</sup>

In the sections that follow, I illustrate how UN staff sought to further institutionalize the anti-coup norm in response to the glaring inconsistencies that characterized enforcement of that norm. While pursuing hard legalization of the norm was not an option, UN officials sought to amend the prevailing organizational rules and procedures in order to bring about greater consistency in the responses of UN agencies and staff.

### **Inconsistent Enforcement of the Anti-Coup Norm at the UN**

Since the end of the Cold War, coups have been a key target of international efforts to promote democratic forms of rule, and the international prohibition against the irregular overthrow of sitting governments, especially democratically elected governments, has become a key plank of the global normative agenda. However, the anti-coup norm has experienced a mixed fortune at the UN, where an initial embrace of the norm was ultimately followed by a deeply inconsistent approach.

The rise of the anti-norm has been most evident in two major regional organizations, the African Union (AU) and the Organization of American States (OAS). Beginning in the 1990s,

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<sup>23</sup> Theresa Reinold, “The Responsibility to Protect – Much Ado about Nothing?,” *Review of International Studies* 36, no. S1 (October 2010): 55–78, doi:10.1017/S0260210510000446; Thomas G. Weiss, “R2P after 9/11 and the World Summit,” *Wisconsin International Law Journal* 24 (2007 2006): 741; Alex J. Bellamy, “Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit,” *Ethics & International Affairs* 20, no. 2 (2006): 143–169.

both organizations introduced increasingly robust legal instruments to punish coup-created governments and each has adopted quite consistent policies of norm enforcement (including member state suspensions).<sup>24</sup> By contrast, the UN has taken a selective approach to the anti-coup norm, embracing it at times but ignoring in most cases. The organization's approach towards countries experiencing coups has been most visible in the action of the Security Council after the end of the Cold War.<sup>25</sup> From the late 1980s onwards, the Council began to play a much more robust and, at times, interventionist role in the domestic policies of its member states.<sup>26</sup> This new activism included an increasing commitment to the promotion of democracy norms and practices.<sup>27</sup> Yet, after initially seeming to embrace the anti-coup norm in the early 1990s, the Security Council ultimately took a highly selective approach, demonstrating high levels of inconsistency by responding to only a small number of coups in the post-Cold War period. It thus demonstrated a disjuncture between its normative rhetoric and operational behaviour that is characteristic of UN conduct across a number of issue areas.<sup>28</sup>

One of the first tests of the more expansionist and interventionist Security Council came in the wake of the 1991 overthrow of the democratically-elected government of Bertrand Aristide in Haiti by the head of the armed forces, Raoul Cédras. Although the General Assembly quickly condemned the coup, the Security Council initially failed to take any action, in part because China was wary of extending the Council's remit to include issues traditionally viewed as

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<sup>24</sup> Souaré, "The AU and the Challenge of Unconstitutional Changes of Government in Africa"; Laurie Nathan, "Trends in Mediating in Africa Coups, 2000-2015," 2015; Heine and Weiffen, *21st Century Democracy Promotion in the Americas*.

<sup>25</sup> The UN General Assembly has rarely acted in response to coups, although exceptions include Haiti 1991 and Honduras 2009 when it condemned the overthrow of elected governments. See GA Resolution 46/7, 11 October 1991 and GA Resolution 63/301, 1 July 1999.

<sup>26</sup> Sebastian von Einsiedel, David M. Malone, and Bruno Stagno Ugarte, *The UN Security Council in the 21st Century* (Boulder, Colorado: Lynne Rienner Publishers, 2015), 5.

<sup>27</sup> Christopher C Joyner, "The United Nations and Democracy," *Global Governance* 5 (1999): 333–57; Nigel D White, "The United Nations and Democracy Assistance: Developing Practice within a Constitutional Framework," in *Democracy Assistance: International Co-Operation for Democratization*, ed. Peter Burnell (London: Frank Cass Publishers, 2000); Caroline E. Lombardo, "The Making of an Agenda for Democratization: A Speechwriter's View," *Chicago Journal of International Law* 2, no. 1 (2001): 253–66.

<sup>28</sup> Sarah von Billerbeck, "Local Ownership and UN Peacebuilding: Discourse Versus Operationalization," *Global Governance: A Review of Multilateralism and International Organizations* 21, no. 2 (April 1, 2015): 299–315.

relating to domestic politics.<sup>29</sup> Yet after continued political instability in Haiti and the emergence of a refugee crisis that affected the United States, in 1993 the Council cited ‘unique and exceptional’ circumstances and authorized economic sanctions against the military regime under Chapter VII of the UN Charter.<sup>30</sup> After the Haitian authorities continued to defy international pressure, the Council adopted another Chapter VII Resolution in 1994 that authorized ‘all necessary means to facilitate the departure from Haiti of the military leadership’ and bring about ‘the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti.’<sup>31</sup> Under the threat of imminent US-led intervention, the military leaders relented and Aristide was returned to power.

This robust response to the Haitian coup was followed in 1997 by a similarly strong response to the overthrow of the elected President of Sierra Leone by rebel soldiers. As with the Haitian case, the Security Council demanded the return of the elected authorities and determined that the events constituted a threat to international peace and security.<sup>32</sup> Security Council Resolution 1132 also authorized the Economic Community of West African States (ECOWAS) to cut off foreign supplies to the coup leaders, and implicitly validated ECOWAS’s use of force against the new regime up to that point. After an escalation of regional enforcement, the former President Kabbah was returned to power in 1998.

Both cases highlighted a new willingness on the part of the Security Council to authorize coercive measures to penalize coup leaders, and in its resolutions it strongly emphasized the need for the return of legitimate and democratically-elected governments. Democracy was playing a role in Security Council resolutions that it had not previously played, and robust enforcement measures were being authorized to reverse coups in ways that were unthinkable

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<sup>29</sup> Simon Chesterman, *Just War or Just Peace?: Humanitarian Intervention and International Law*, New Ed edition (Oxford; New York: Oxford University Press, USA, 2003), 152.

<sup>30</sup> Einsiedel, Malone, and Ugarte, *The UN Security Council in the 21st Century*, 5.

<sup>31</sup> See UN Security Council Resolution 940, S/RES/940, 31 July 1994.

<sup>32</sup> See UN Security Council Resolution 1132, S/RES/1132, 8 October 1997.

even a few years earlier. Yet these episodes did not signal a wider embrace of the anti-coup norm within the UN, and the robust measures taken in Haiti and Sierra Leone proved to be exceptions rather than the rule. Powell and Thyne identify 43 successful coups between 1991 and 2016,<sup>33</sup> but the Security Council only responded to a minority of cases and has thus been notably lacking in consistency in its enforcement of the anti-coup norm. Aside from the Haiti and Sierra Leone cases, the Council included explicit references to coups in only a small number of its Resolutions, including Burundi in 1996 and Guinea-Bissau in 2012.<sup>34</sup> Several other cases were addressed only in Security Council Presidential Statements, which lack the status of Council Resolutions (e.g. Cambodia in 1997 and Mauritania in 2008).<sup>35</sup>

The Council also varied in the way it framed the events in question, and in the demands it made of coup leaders. Rhetoric from the Security Council on coups tends to revolve around a small number of diplomatic terms, often carefully chosen to indicate the level of disapproval being communicated. The Council occasionally labels the events in question as a ‘coup’, leaving no room for ambiguity, while in other cases it avoids the term. The Council also sometimes condemns a coup, while in other cases voices only concern. Thus the Council can offer a robust and forceful response, using language that condemns a coup in bold terms, as it did in Guinea Bissau in 2012 and Mauritania in 2008.<sup>36</sup> Alternatively, when it wishes to be more cautious, it can use more ambiguous or vague terms, as it did in 1997 when the Council declared itself ‘gravely concerned at recent developments’ in the wake of Cambodia’s 1997 coup.<sup>37</sup>

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<sup>33</sup> Jonathan Powell and Clayton Thyne, “Global Instances of Coups from 1950 to 2010: A New Dataset,” *Journal of Peace Research* 48, no. 2 (March 1, 2011): 249–59, doi:10.1177/0022343310397436.

<sup>34</sup> UN Security Council Resolution S/RES/1072, 30 August 1996; UNSC Resolution S/Res/2048, 18 May 2012.

<sup>35</sup> UN Security Council Presidential Statement, S/PRST/1997/37, 11 July 1997; UN Security Council Presidential Statement S/PRST/2008/30, 19 August 2008.

<sup>36</sup> UN Security Council Presidential Statement S/PRST/2012/15, 21 April 2012; UN Security Council Presidential Statement: S/PRST/2008/30.

<sup>37</sup> UN Security Council Presidential Statement, S/PRST/1997/37, 11 July 1997.

The Council also shows inconsistency in the demands it makes on the newly installed coup leaders. Its most forceful option is to demand for the departure of the coup leaders and the restoration or reinstatement of the previous government. The Council called for such reinstatement in Haiti,<sup>38</sup> Sierra Leone,<sup>39</sup> Fiji in 2006,<sup>40</sup> and Guinea-Bissau in 2012.<sup>41</sup> In other cases the Council has simply called for the ‘restoration of constitutional order’, without explicitly requesting the reinstatement of the ousted leaders, as was the case with Burundi in 1996, Guinea Bissau in 2003, and Mauritania in 2008.<sup>42</sup>

In most post-1991 cases, however, the Council has simply ignored coups and issued no resolution or presidential statement. These cases span the post-Cold War period and include Qatar in 1995, Pakistan in 1999, Fiji in 2000, Thailand in 2006 and 2014, and Egypt in 2013. While the Council has demonstrated inconsistency in the extent of enforcement it has pursued in those cases when it has issued a response, the clearest indicator of its weak embrace of the norm lies in its silence in response to the majority of post-Cold War coups.<sup>43</sup>

The sources of this inconsistency are varied. Existing approaches to understanding why the Council acts in the way that it does, when it does, tend to contrast normative and interest-based motivations to the Council’s members.<sup>44</sup> If the Council were following normative considerations, we would expect to see it react more robustly if coups overthrew

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<sup>38</sup> UN Security Council Resolution 940, S/RES/940, 31 July 1994.

<sup>39</sup> UN Security Council Resolution 1132, S/RES/1132, 8 October 1997.

<sup>40</sup> UN Security Council Press Statement, SC/8894, 7 December 2006

<sup>41</sup> UN Security Council Presidential Statement S/PRST/2012/15, 21 April 2012

<sup>42</sup> UN Security Council Resolution S/RES/1072, 30 August 1996; UN Security Council Press Statement, SC/7873, 15 September 2003; UN Security Council Presidential Statement S/PRST/2008/30, 19 August 2008.

<sup>43</sup> The UN Security Council has issued Resolutions or Presidential Statements (its two strongest forms of statement) that explicitly invoke the anti-coup norm in only seven cases since 1991: Haiti 1991 coup (multiple statements, including Resolution 940), Burundi 1996 (Resolution 1072), Sierra Leone 1997 (multiple statements, including Resolution 1132), Cambodia 1997 (Presidential Statement S/PRST/1997/37), Mauritania 2008 (Presidential Statement S/PRST/2008/30), Mali 2012 (multiple statements, including Presidential Statement S/PRST/2012/7) and Guinea Bissau (multiple statements, including Resolution 2048).

<sup>44</sup> Kyle Beardsley and Holger Schmidt, “Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945–20021,” *International Studies Quarterly* 56, no. 1 (2012): 33–49; Martin Binder, “Paths to Intervention What Explains the UN’s Selective Response to Humanitarian Crises?,” *Journal of Peace Research* 52, no. 6 (November 1, 2015): 712–26, doi:10.1177/0022343315585847.

democratically-elected leaders, as the anti-coup norm places greater emphasis on prohibiting coups that threaten democratic regimes. There is some evidence to suggest the Council takes these types of coups more seriously, and the cases where it has been most vocal have tended to involve the overthrow of elected leaders.<sup>45</sup> However, the Council has also ignored the overthrow of many democratic leaders, including Nawaz Sharif in Pakistan in 1999, Thaksin Shinawatra in Thailand in 2006, and Mohamed Morsi in Egypt in 2013. While normative considerations thus play some role in the Council's decision-making, they are insufficient to explain the overall pattern. Like other democratic norms, the anti-coup norm often gains strongest support when it aligns with the interests of powerful states, and often loses out when competing strategic interests are at play. It is thus necessary to consider more interest-driven and strategic motivations within the Council. In a study of the determinants of the Council's decision making on intervention in humanitarian crises, Binder finds that normative considerations must be combined with consideration of three other factors: the UN's prior involvement in a case, the extent of spillover effects from a crisis and the strength of the potential target state.<sup>46</sup> Each of these factors helps account for the UN's inconsistent approach to enforcing the anti-coup norm. Prior UN involvement helps account for the Council's willingness to address coups in a number of cases. For example, the UN had been involved in observing the 1990 elections in Haiti that led to the election of President Aristide prior to his ousting in the 1991 coup. Similarly, the robust response of the Security Council to coups in Sierra Leone (1997) and Guinea-Bissau (2012) should be seen in the light of the UN's pre-existing efforts to resolve civil conflict in these cases. The UN had deployed a Special Envoy to Sierra Leone in 1995 and had created a long-running peace mission in Guinea-Bissau in 1999 that was still in place at the time of the 2012 coup. Some coups were also more likely to

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<sup>45</sup> Daphna Shrager, "The Security Council and Human Rights—from Discretion to Promote to Obligation to Protect," in *Securing Human Rights?: Achievements and Challenges of the UN Security Council*, ed. Bardo Fassbender (Oxford; New York: Oxford University Press, n.d.), 16/17.

<sup>46</sup> Binder, "Paths to Intervention What Explains the UN's Selective Response to Humanitarian Crises?"

receive Council attention if there were high risks of spillover and wider regional insecurity. The evolution of Council's response to the Haitian coup in the early 1990s was inextricably linked to the refugee crisis that emerged and that shaped US interests in finding a solution.<sup>47</sup> Finally, coups were also less likely to receive attention if the countries involved were economically and militarily strong, or had powerful international allies within the Security Council (e.g. Egypt, Thailand, and Pakistan).

The Security Council is a major organ of the intergovernmental side of the UN, and it is unsurprising that its actions reflect the interests of the UN's most powerful states. By contrast, the other key arms of the UN, especially the Secretariat and the Secretary General, operate according to a different set of political imperatives, and can sometimes play an independent role in norm promotion and institutionalization.<sup>48</sup> The Secretary General occupies a delicate role within the UN, in some ways independent of the member states while also being constrained by their interests and preferences. The key sections of the UN Charter that relate to the Secretary-General (Articles 97-101) describe the position as 'chief administrative officer' of the Organisation, while also mandating the office holder to bring to the attention of the Security Council any issue they deem to be a threat to international peace or security. As a number of scholars have noted, while the formal powers of the position are quite limited, the Charter does provide for a political rather than purely administrative role and individual Secretary-Generals have been adept at using their formal and informal powers in influential ways.<sup>49</sup> The Secretary General thus has some scope for independence and autonomy, but cannot ignore the member states and often comes into conflict with them when interests and

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<sup>47</sup> David M. Malone, *Decision-Making in the Un Security Council: The Case of Haiti, 1990-1997: The Case of Haiti, 1990-97* (Oxford : New York: OUP Oxford, 1998).

<sup>48</sup> Rushton, "The UN Secretary-General and Norm Entrepreneurship"; Krook and True, "Rethinking the Life Cycles of International Norms."

<sup>49</sup> Simon Chesterman, ed., *Secretary or General? The UN Secretary-General in World Politics* (Cambridge: Cambridge University Press, 2007); K. Kille, *From Manager to Visionary: The Secretary-General of the United Nations* (Place of publication not identified: Palgrave Macmillan, 2016).



ideas diverge. As Chesterman has noted, states are ‘most enthusiastic about the independence of the Secretary-General only when his decisions have coincided with their national interests.’<sup>50</sup>

Nonetheless, individual Secretaries-General can play a key role in both defining and promoting the principles and objectives of the UN according to their different interests, abilities and personal commitments.<sup>51</sup> For example, in the UN’s policy and practice on issues related to democracy, Secretary General Boutros Boutros-Ghali has been identified as a key norm promoter in his years in office from 1992-1996. Boutros-Ghali advanced the promotion of democracy at a central goal of his tenure, and was the driving force behind the UN’s 1996 *Agenda for Democratization*.<sup>52</sup> He also played an important role in shaping the robust UN response to the post-coup authorities in Haiti.<sup>53</sup> Kofi Annan also sought to take a leading role on the democracy promotion issues, and the anti-coup norm in particular. In the week after the 1997 Sierra Leone coup, which took place within his first year in office, Annan explicitly sought to advance a new anti-coup principle. Speaking at the Organization of African Unity, Annan declared ‘let us dedicate ourselves to a new doctrine for African politics: where democracy has been usurped, let us do whatever is in our power to restore it to its rightful owners, the people’.<sup>54</sup>

At various points, successive Secretaries-General have been more vocal than the UN’s intergovernmental bodies, and have often been the only voice within the UN reacting to coups. At times this involved commenting on events which the Security Council may not deem

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<sup>50</sup> Chesterman, *Secretary or General? The UN Secretary-General in World Politics*, 3.

<sup>51</sup> Edward Newman, “Secretary-General,” in *The Oxford Handbook on the United Nations*, ed. Sam Daws and Thomas G. Weiss, 2007, <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199560103.001.0001/oxfordhb-9780199560103-e-010?mediaType=Article>; Kille, *From Manager to Visionary*.

<sup>52</sup> Rushton, “The UN Secretary-General and Norm Entrepreneurship”; Lombardo, “Making of an Agenda for Democratization.”

<sup>53</sup> Malone, *Decision-Making in the UN Security Council*.

<sup>54</sup> Address given by Secretary-General Kofi Annan to the Annual Assembly of Heads of State and Government of the Organization of African Unity (OAU) at Harare, **SG/SM/6245/REV.1**  
**2 JUNE 1997.**

sufficiently important to address, as when the Secretary-General condemned the coup in Comoros in April 1999.<sup>55</sup> On other occasions, the incumbent SG has had the discretion to act when the interests of key member states mean that the Security Council would find no consensus on an issue. When the head of Pakistan's armed forces seized power in 1999, the Security Council remained quiet not least due to the fact that the United States is a long-standing ally of the country. By contrast, Kofi Annan released a statement deploring the coup and urging the military to restore civilian rule.<sup>56</sup> Other instances where the SG spoke out, but the Council remained quiet, include several coups during Annan term in office (Cote d'Ivoire in 1999, Fiji in 2000, the Central African Republic in 2003, Togo, Mauritania in 2005) as well as several coups that coincided with the tenure of Ban Ki-moon (Niger in 2010, the Maldives in 2012 and Egypt in 2013). As with the Security Council, however, the Secretary-General's statements can also vary in the severity of their language, ranging from outright condemnation of coups, to milder rebukes such as the response to the 2013 Egyptian coup, where Ban Ki-moon expressed only 'concern' about 'military interference', or the coup in Thailand in 2006, where Annan stated he was 'seriously concerned by the military takeover'. The record suggests that while individual Secretaries-General are often willing to speak out when the Security Council stays quiet, in practice they have often been constrained in key instances where the coup in question has taken place either in a regionally powerful state, or in a state with powerful international allies among the Security Council's permanent membership. Although more vocal than the Security Council, the office of the Secretary General thus also exhibits high levels of inconsistency in the enforcement of the anti-coup norm, and Annan's vision of a new doctrine was never fully realised even under his own tenure.

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<sup>55</sup> UN Secretary General, 'Secretary-General Condemns Coup D'état In Comoros' Press Release, 30 APRIL 1999, SG/SM/6976

<sup>56</sup> UN Secretary General, 'Secretary-General Deplores Military Coup In Pakistan, Urges Early Restoration Of Civilian Rule', 13 October 1999, SG/SM/7174

## **Strategies of Norm Institutionalization in the UN Secretariat**

In the early 2000s, several senior Secretariat officials (particularly those working within the UN's Department of Political Affairs) sought to bring about a change of approach by further institutionalising the anti-coup norm within the UN system. The efforts culminated in a reform to UN Secretariat rules and procedures in 2009 that was designed to bring about a more consistent and less ad hoc response to coups across the UN system.

This effort was driven by a number of motivations, but dissatisfaction with the inconsistency of the UN's efforts at norm enforcement lay at the heart of it. According to several UN officials, there was an increasing feeling within the Secretariat that the UN's approach to responding to coups had been marked by ad hoc and inconsistent policies.<sup>57</sup> This was exacerbated by a perception in 2008/9 that coups were once again on the rise. Although the general post-Cold War pattern has involved a steep decline in coup numbers compared to earlier decades, there was a mini-spike of coups in Africa between August 2008 and March 2009 that included Guinea, Mauritania and Madagascar, quickly followed by the June 2009 coup in Honduras. In April 2009 the African Union issued a decision expressing concern over the resurgence of coups and Uganda brought the issue onto the agenda of the UN Security Council, which quickly issued a Presidential Statement expressing similar concern and welcoming the AU's initiatives in the area.<sup>58</sup> The Madagascar case posed particular problems at the UN, as the post-coup authorities (led by Andry Rajoelina) were invited by the UN Secretariat to a donor conference for Somalia in April 2009, leading the AU to communicate its displeasure to the Secretary General's office that the UN was undermining the AU's efforts to isolate the new de facto authorities. This episode heightened the perception within the UN Secretariat (both in the Department of Political Affairs and in the Executive Office of the Secretary-General) that

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<sup>57</sup> Interviews with multiple UN Secretariat officials in the Department of Political Affairs and the Executive Office of the Secretary-General, UN Headquarters, October 2015.

<sup>58</sup> UNSC Presidential Statement S/PRST/2009/11; Security Council Report, 'The Resurgence of Coups D'état in Africa, 15 April 2009.

action needed to be taken to ensure the UN was acting more robustly and consistently on coups, and that it was problematic to be seen to be lagging behind regional organizations.<sup>59</sup>

Furthermore, there was also a sense that the various internal agencies within the UN were also acting at cross purposes in response to the coups that were taking place. In particular, some officials with the Department of Political Affairs (DPA) expressed frustration that other arms of the UN were taking a ‘business as usual’ approach to countries that experienced coups instead of pausing to reconsider relations with governments that had come to power through unconstitutional means.<sup>60</sup> Summing up the overall sentiment within the UN at the time, one senior UN official commented that ‘there was the sense that coups were continuing to happen at a fairly regular rate, and that we weren’t consistent in our response and certainly an awareness, with the AU out ahead of us, that we needed to do what we could to be more principled, more consistent.’<sup>61</sup>

Yet there was also recognition within the Secretariat that the potential for norm institutionalization was limited by the position of the member states.<sup>62</sup> The discussions about the April 2009 Presidential Statement had confirmed that key permanent members of the Security Council were resistant to any move that would make the condemnation of coups an automatic practice, and instead preferred the political flexibility of a case-by-case approach.<sup>63</sup> There was ‘no appetite’ within the UN membership for the kind of robust legal instruments that had been embraced by the OAS and the AU and that would specify fixed triggers for clearly delineated norm violations.<sup>64</sup> Consequently, the norm promoters within the UN Secretariat did not seek to push for norm institutionalization through member state action, but

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<sup>59</sup> Email communication with senior DPA official, September 2015.

<sup>60</sup> Interview with DPA officials, UN Headquarters, October 2015.

<sup>61</sup> Interview with senior Secretariat official, UN Headquarters, October 2015.

<sup>62</sup> Interviews with current and former UN DPA officials, October 2015.

<sup>63</sup> Security Council Report, “The Resurgence of Coups D’état in Africa,” April 15, 2009, <http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-5106497.php>.

<sup>64</sup> Interview with Senior DPA official, UN Headquarters, October 2015.

rather sought to further institutionalise the anti-coup norm within the Secretariat itself. Venue selection became important, as it had significant implications for the nature and level of norm institutionalization that could be realistically pursued.<sup>65</sup>

The key venue for this effort was the Secretariat's Policy Committee (PC), which essentially operated as the Secretary-General's cabinet by bringing together high-level officials from the Secretariat's key agencies for weekly meetings. According to the Committee's manual, its purpose is to 'consider issues requiring strategic guidance and policy decisions on thematic and country-specific issues affecting the Organization and identify emerging issues'. The agenda of the Policy Committee is determined by the Secretariat, and mid-ranking officials within the Secretariat can lobby to have particular issues included for discussion. The PC thus gave norm entrepreneurs within the UN bureaucracy a venue in which to promote their favoured norms to the highest level. It also shaped the kind of institutionalization that could be pursued. While the General Assembly and Security Council can pass resolutions that constrain (and at times, legally bind) member states, the Policy Committee is not designed to shape member state policy, but rather the policy and strategy of the UN Secretariat itself. The kind of institutionalization available through the PC concerns the internal rules, processes and standard operating procedures that UN bureaucrats follow. The norm entrepreneurs within the UN thus pursued a form of lowest common denominator norm institutionalization; that is, they pursued change at the highest level where they felt tangible achievements could be made, even if it meant reaching for a lower level of progress than they ideally would have liked.

In 2009, officials within the Department of Political Affairs responded to the heightened attention on the UN's coup policies by pushing the issue onto the agenda of the Policy Committee, thus bringing about a system-wide discussion of UN policy in the area. Once an

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<sup>65</sup> Katharina P. Coleman, "Locating Norm Diplomacy: Venue Change in International Norm Negotiations," *European Journal of International Relations* 19, no. 1 (March 1, 2013): 163–86, doi:10.1177/1354066111411209.

item is placed on the PC's agenda, a designated lead department prepares a submission to the Committee that sets out the issue in question and makes recommendations on potential policy options. The submission should reflect consultation between all relevant Secretariat departments and record objections and disagreements where they exist. In November 2009, the Policy Committee considered a policy submission prepared by officials within the DPA on the topic of 'UN Response to Unconstitutional Changes of Government'. The submission suggested that the pattern of recent coups in Africa, as well as coups in Honduras, Thailand and Fiji served to 'raise anew questions for the UN on how to respond to unconstitutional changes of government'. Identifying the negative social and political implications of coups, including effects on democracy, human rights and the risk of conflict, the document observed that the recent coups 'put a spotlight on the growing normative gap between many regional (and subregional) organizations with principled frameworks and the UN, which continues to respond to coups in an ad hoc way.' This ad hoc approach, it observed, led at times to 'mixed messages, missed opportunities, increased transaction costs, and avoidable hiccups.' To address the problem, it called for the SG to 'promote a norm-based and principled position on unconstitutional changes of government', and recommended a process by which the Secretariat (and the DPA in particular) would initiate a common procedure in response to all coups. The document acknowledged the limited scope for progress on the issue within the UN's intergovernmental bodies, and emphasized instead the Secretariat's abilities to take initiative in the area.

The document's key recommendation suggested that in the wake of any coup, an inter-departmental working group would be convened to coordinate the UN's public responses, provide policy guidance throughout the UN system and, importantly, oversee coordination with non-UN international partners. It also advocated that the SG take a more consistent line in public responses, recommending a 'clear message of disapproval' to put pressure on de facto

authorities in the country in question and send a signal throughout the UN that there should be no business as usual. Importantly, the submission also raised the possibility of more material sanctions against coup leaders, including that they not be invited to conferences outside of inter-governmental bodies,<sup>66</sup> that electoral and development assistance be suspended, and that the UN should review any peacekeeping contributions made by countries led by coup perpetrators. Countries receive payments from the UN for contributing to peacekeeping operations, and the report suggested that threats to reduce or suspend participation in such operations could be used as leverage against coup leaders, and would also guard against the risk that participation from militaries that had engaged in coups could compromise the commitment of UN peacekeepers to good governance.

After considering the submission in November 2009, the PC adopted Decision PC/2009/24, which committed the Secretary General to the promotion of ‘a norm-based and principled position on unconstitutional changes of government’. The PC Decision also adopted some, but not all, of the substantive recommendations contained within the DPA’s submission. The most concrete element of the Decision involved the establishment of an interdepartmental working group to be convened within 24 hours of any unconstitutional change of government to coordinate the UN’s initial response and provide day-to-day policy advice and guidance. The working group would provide guidance on the SG’s statements, coordination among UN bodies and the UN presence on the ground, as well as coordination with the UN’s international partners. Furthermore, it would offer advice on whether the Secretariat should correspond with the de facto authorities. Regarding the more punitive policy options raised by the DPA’s policy submission, including potential policy changes regarding election support, development assistance and peacekeeping contributions, the Decision simply suggested the SG would

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<sup>66</sup> Formal accreditation of member states is handled by member states in the General Assembly’s Credentials Committee, so the Secretariat is not in a position to suspend a country from the UN.

convene the Policy Committee to determine a strategic response. Other than requiring the establishment of a working group in the wake of every coup, the Decision did not specify any particular policy response or institutionalize any particular sanction against coup leaders. This relative weakness of the Decision reflected disagreements between UN agencies over the extent of punitive action the Secretary General could, and should, impose on countries that experienced coups. The UN's Office of Legal Affairs (OLA) takes a minimalist view of the Secretary General's authority and, in the absence of member state consensus on the issue, resisted efforts to carve out a more interventionist role that would involve the Secretary General imposing costly sanctions on individual member states.<sup>67</sup> The Department of Peacekeeping Operations (DPKO) was also resistant to any suggestion that coup countries would automatically be prevented from contributing troops to peacekeeping operations. At a time when UN peacekeeping commitments were at an all-time high, the DPKO sought to prevent any policy that would automatically reduce the number of peacekeeping troops at their disposal.<sup>68</sup>

The PC Decision thus created new rules and procedures for UN staff to follow in the wake of a coup, without creating any specific and automatic punitive instruments. The outcome of the process reflected the limited options available to Secretariat officials. In the absence of member state support for further norm institutionalization, norm promoters within the UN system sought to achieve what they could, where they could. Recognizing that they were unlikely to persuade member states to adopt new instruments in either the General Assembly or the Security Council, they sought to bring about change through the Secretariat's Policy Committee. Unlike the Security Council, the venue they chose did not have the authority to legalize the anti-coup norms with binding instruments that would require member states to

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<sup>67</sup> Interviews with OLA and DPA officials, UN Headquarters, October 2015.

<sup>68</sup> Interview with DPA official, UN Headquarters, October 2015.



respond robustly to every coup episode. However, the Policy Committee did provide an opportunity to institutionalize rules and procedures within the Secretariat that increased the prospects of other forms of consistency, particularly by making the UN system speak with one voice and ensuring the UN brought its approach to individual coups in greater alignment with other international actors. Rather than seek to influence the behavior of member states through binding instruments, the strategy of norm institutionalization that was pursued sought to amend bureaucratic rules and procedures to influence the behavior of UN staff. As one senior DPA official commented of the Policy Committee's Decision, the 'content was procedural'.<sup>69</sup> The new procedures were designed to facilitate greater internal coordination within the UN system, so that individual departments within the Secretariat would clarify their own position, share it with other departments and entities within the UN system to develop a coherent position, and then share that position with the relevant international partners.<sup>70</sup>

For those who had pushed the anti-coup norm on the UN's agenda, the outcome was the best that could be achieved. In a comment echoed by others involved in the process, one of the key architects of the effort to further institutionalize the norm stated that 'we got what we were looking for'.<sup>71</sup> The PC's Decision helped reduce, if not eliminate, some of the inconsistency that had prompted the reform effort to begin with. Responses to coups became 'less ad hoc, more of a clear process, more consistent'.<sup>72</sup> DPA officials also reported a shift away from the 'business as usual' approach among some UN agencies that had contributed to intra-actor inconsistency: 'the policy changed the one thing that it was supposed to change, that is to force a systemic reflection on what do we do now, that there is something different happening'.<sup>73</sup> Inconsistency was not eliminated, but the effort to institutionalize the anti-coup norm created

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<sup>69</sup> Interview with senior DPA official, UN Headquarters, October 2015.

<sup>70</sup> Interview with DPA official, UN Headquarters, October 2015.

<sup>71</sup> Interview with senior DPA official, UN Headquarters, October 2015. Another DPA official who was instrumental in the push for reform stated, 'ultimately, we did get what we wanted.'

<sup>72</sup> Interview with senior DPA official, UN Headquarters, October 2015.

<sup>73</sup> Interview with DPA official, UN Headquarters, October 2015.

new rules and procedures that reduced the scope for the kind of ‘mixed messages’ and ‘avoidable hiccups’ that had characterised earlier approaches.

## **Conclusion**

When international actors enforce norms selectively, international norm entrepreneurs often seek to pursue a strategy of norm institutionalization in order to increase levels of consistent enforcement. However, not all strategies of norm institutionalization are equal, and norm promoters must choose those that have the greatest likelihood of success. When states do not agree on the value of individual norms, the chances of deep and robust norm institutionalization (such as the introduction of legally binding instruments) are unlikely and instances of norm violation are likely to be followed by selective responses. In such cases, norm entrepreneurs can pursue institutionalization at a lower level, eschewing efforts at norm legalization and instead focusing on less binding, but often highly influential, rules and procedures. Such strategies can amount to ‘lowest common denominator’ norm institutionalization, where norm promoters seek to achieve the highest level of institutionalization they think achievable, even if it means lowering their strategic objectives from their initial and ideal aims. When these lower level forms of institutionalization are pursued, they are less likely to achieve full consistency, as states will remain free to respond as they wish in the absence of binding legal rules. Yet these efforts may reduce other forms of inconsistent enforcement, as reformed and newly-created rules and standard operating procedures can ensure agencies and staff with an international organization speak with one voice and coordinate with one another, thus reducing the risk of mixed messages within and between international organizations.

The fate of the anti-coup norm at the United Nations starkly illustrates these dynamics at work. After years of highly inconsistent enforcement of the anti-coup norm, norm promoters

sought to push for greater norm institutionalization. However, in the absence of member state buy-in, they eschewed any effort to push for the introduction of legally binding rules through the Security Council (an unlikely outcome), and instead focused on developing lower-order rules and procedures to enhance coordination within the UN bureaucracy and between the UN and other international organizations. The chosen strategy was not designed to ensure that all coups would be responded to in the same way by the UN's major intergovernmental organs, but rather to reduce the scope for competing signals from within the wider UN system. The evolution of the anti-coup norm at the UN thus highlights both the different types of inconsistent norm enforcement that can exist, and the potential (and limits) of different strategies of norm institutionalization that norm promoters can pursue in order to bring about a more consistent approach to norm violations.